

Notice of Allowability

Application No.

10/035,791

Examiner

Inder P. Mehra

Applicant(s)

COLE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 1/16/2007 and supplemental amendment dated 2/12/2007.
2. ☒ The allowed claim(s) is/are 8-10,12,11,13-20,22,21,23-30,33 31-32 and 37-42 (Renumbered as 1-31 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

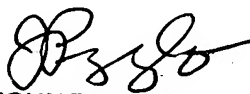
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 2/16/07.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JOHN PEZZLO
PRIMARY EXAMINER

DETAILED ACTION

1. This office action is in response to amendment dated: 1/16/2007 and supplemental amendment dated: 2/12/2007. This is also in response to RCE dated 1/16/2007. Based on this amendment, claims 1-7 and 34-36 have been cancelled. Claims 8-33 and 37-42 are pending.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Allowable Subject Matter

3. Claims 8-33 and 37-42 are allowed.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, teach or suggest directly, or indirectly the following limitations in combinations with other limitations of the claims, as follows:

As recited by claims 1, 18, and 28,

"filling a portion of a fixed buffer allocation space with traffic of the particular network connection, wherein a buffer in the fixed buffer allocation space is associated with a fixed buffer allocation queue identification, wherein the fixed buffer allocation space is associated with a first discard scheme which determines if the traffic will be accepted into the buffer;

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filling a separate portion of a prioritized fair share buffer space with traffic of the particular network connection, wherein a separate buffer in the prioritized fair share buffer space is associated with a separate prioritized fair share queue identification, wherein the prioritized fair share buffer space is associated with a second discard scheme which determines if the traffic will be accepted into the separate buffer, the second discard scheme being different than the first discard scheme; and

discarding a the portion of the fixed buffer allocation space or the separate portion of the prioritized fair share buffer space as lowest priority traffic of the particular network connection based on the first discard scheme or the second discard scheme, the first or second discard scheme determined based on the fixed buffer allocation queue identification or the separate prioritized fair share queue identification associated with the lowest priority traffic”.

As recited by claim 37,

associating buffers in the fixed buffer allocation space with fixed buffer allocation queue identifications;

associating the fixed buffer allocation space with a first discard scheme, wherein the first discard scheme determines if the traffic of the network connections will be accepted into the buffers in the fixed buffer allocation space or if the traffic of the network connections will be discarded;

designating prioritized fair share buffer space;

associating buffers in the prioritized fair share buffer space with prioritized fair share queue identifications;

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prioritizing the prioritized fair share queue identifications to have relative rankings amongst the prioritized fair share queue identifications;

associating a particular network connection in a first group of network connections with a particular prioritized fair share queue identification;

reserving a portion of the prioritized fair share buffer space for the first group of network connections;

allocating unreserved buffers in the prioritized fair share buffer space for the first group of network connections, wherein network connections in the first group of network connections associated with higher priority prioritized fair share queue identifications have access to a greater portion of the unreserved buffers in the prioritized fair share buffer space than network connections in the first group of network connections associated with lower priority prioritized fair share queue identifications;

associating the prioritized fair share buffer space with a second discard scheme, wherein the second discard scheme determines if the traffic of the network connections will be accepted into the buffers in the prioritized fair share buffer space or if the traffic of the network connections will be discarded, and wherein the second discard scheme is different than the first discard scheme.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

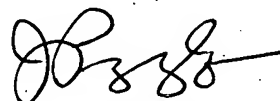
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra 2/16/07

Inder P Mehra
Examiner
Art Unit 2617


JOHN PEZZLO
PRIMARY EXAMINER